

**CHILD NUTRITION PROGRAM  
STATE WAIVER REQUEST  
ADMINISTRATIVE REVIEW  
FLEXIBILITY WAIVER REQUEST  
FOR HAWAII CHILD NUTRITION PROGRAMS**

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to [SP 15-2018, CACFP 12-2018, SFSP 05-2018](#), *Child Nutrition Program Waiver Request Guidance and Protocol* - Revised, May 24, 2018.

**Subject of waiver request:** NSLP Administrative Review Flexibility Waiver

**1. State agency submitting waiver request and responsible State agency staff contact information:**

Name of State agency: Hawaii Child Nutrition Programs  
State agency staff contact: Sharlene Wong  
Mailing address: 650 Iwilei Road, Suite 270, Honolulu, HI 96817  
Telephone number: (808) 587-3600  
Email address: Sharlene.Wong@k12.hi.us

**2. Region:** Western Region

**3. Eligible service providers participating in waiver and affirmation that they are in good standing:**

Hawaii Child Nutrition Programs (HCNP) requests this waiver for the State Agency regarding NSLP and Seamless Summer Option (SSO) sponsors/SFAs, in good standing, during the SY 2021/22 pandemic.

**4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:**

The number of confirmed cases of COVID-19 due to the Delta variant continues to increase in Hawaii. As of September 20, 2021 Hawaii recorded 75,911 confirmed cases since the start of the pandemic in March of 2020. For the past fourteen days the average positive count per day is 531. Hawaii has recorded 714 deaths. In an effort to curb the increase in positive results, Hawaii's Governor has asked tourists not to travel to Hawaii. The Hawaii Department of Education although back to in person learning has strongly advised that its staff does not travel this school year. They have also imposed required weekly testing for unvaccinated staff. For anyone who travels for personal reasons intercontinentally, a COVID test must be taken within three days of return to the islands. Employees are not allowed to return to their workplace until after they have proof of a negative COVID test.

In light of the rise of positive case counts, Hawaii State Agency (SA) requests flexibility in the ARs to be conducted for this school year. Conducting a desk audit is very time consuming and is more stressful for both the SA and our School Food Authorities(SFA). In addition, the burden of an AR on our SFAs at a time when they are dealing with food and staffing shortages seems unusually cruel. The SA has spent countless hours providing guidance to the SFAs these past eighteen months and even more so this current school year due to these devastating challenges. Both the SA and the SFAs are at a breaking point.

**5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:**

HCNP is requesting a waiver of the established requirements for Administrative Reviews of SFAs operating school meal programs found at 7CFR 210.18 during the Covid-19 pandemic. These citations are 7CFR 210.18(c); 7CFR 210.18(h)(2)(iv); 7CFR 210.18(h)(2)(v); 7CFR 210.18(h)(2)(vi); 7CFR 210.18(h)(2)(viii); 7CFR 210.18(h)(2)(ix); 7CFR 210.18(h)(2)(x).

**6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:**

In light of the fact that the SA is not allowed to travel freely at this time it would simplify the desk ARs. The waiver would allow the SA to provide more technical assistance to

the SFAs receiving an Administrative Review which will be beneficial for the outcome of the ARs. The SA believes there will be no negative impact on the SFA programs. The inclusion of the primary critical areas of review Performance Standard 1 (excluding certification and benefit issuance), Performance Standard 2, Resource Management, Civil Rights, and Reporting and Recordkeeping compose major components sufficient to determine program compliance of an SFA. Though all general areas of review are important, the waiver request for competitive food standards, water, food safety, program outreach, professional standards and local school wellness are not as critical during this year.

**7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(2)(A)(ii) of the NSLA]:**

No regulatory barriers at the State level related to this specific issue.

**8. Anticipated challenges State or eligible service providers may face with the waiver implementation:**

HCNP does not anticipate that the establishment of this statewide waiver will pose any challenges at the state or participant level. Alternatively, we anticipate this waiver will reduce challenges by SFAs to meet general areas of review because of COVID -19.

**9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid from non-Federal funds. [Section 12(l)(1)(A)(iii) of the NSLA]:**

The establishment of this statewide waiver should not increase the overall cost of the program to the federal government.

**10. Anticipated waiver implementation date and time period:**

The anticipated waiver implementation start date is October 31, 2021 to remain in effect through June 30, 2022.

HCNP would like to request the flexibility to continue to conduct desk Administrative Reviews for the SY 2021/22 or until the health emergency has passed.

**11. Proposed monitoring and review procedures:**

HCNP will continue to conduct Administrative Reviews and provide technical assistance to all SFAs. The SA will provide oversight to all SFSP and SSO sponsors/SFAs who are dealing with new challenges on a daily basis due to COVID-19.

**12. Proposed reporting requirements (include type of data and due date(s) to FNS):**

HCNP will report the following data points once the health emergency has passed.

- A description of the impact the waiver had on administrative reviews
- The number of sponsors affected by this waiver
- A summary of findings associated with the waiver

**13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(l)(1)(A)(ii) of the NSLA]:**

<http://hcnp.hawaii.gov/wp-content/uploads/2021/10/Administrative-Review-Waiver-COVID-19-2021.pdf>

**14. Signature and title of requesting official :**

- Signature:  \_\_\_\_\_
- Title: Sharlene Wong, Summer Food Service Program, Program Administrator, Hawaii Child Nutrition Programs.

Title: Administrative Review Flexibility Waiver Request  
Requesting official's email address for transmission of response:  
Sharlene.Wong@k12.hi.us

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**TO BE COMPLETED BY FNS REGIONAL OFFICE:**

*FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience and work with the State.*

**Date request was received at Regional Office:**

- Date Received: \_\_\_\_\_

**Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(1)(A)(ii) of the NSLA**

- **Regional Office Analysis and Recommendations:**

- Recommend Approval
- Recommend Denial

**Explanation:**